

E-FILED 1/28/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GIUSEPPE "NINO" CAMPANELLA, et al.,

NOS. C 04-4906 RS & C 05-1945 RS

Plaintiffs,

v.

JUDGMENT IN A CIVIL CASE

JEFFERY LONGORIA, et al.,

Defendants.

These consolidated actions came before the Court for a trial by jury on January 5, 2009. The issues have been tried and the jury rendered its verdict on January 21, 2009. The parties stipulated prior to trial that – with the exception of the federal claims where Santa Clara County was not a defendant – the County would be liable under respondent superior to the extent that any individual defendant was liable. Before entry of verdict, some claims for relief were either voluntarily dismissed by plaintiffs Nino Campanella and Lynette Campanella or the subject of the Court's ruling on defendants' motion for directed verdict under Rule 50 of the Federal Rules of Civil Procedure.

A. Case No. C 04-4906 - First Amended Complaint for Violation of Civil Rights.

1. **First Claim for Relief against Defendants Cardenas, Longoria, Merino, and Davis pursuant to 42 U.S.C. §1983.** Plaintiffs Nino and Lynette Campanella alleged violations of their civil right under the Fourth Amendment to be free from unreasonable searches. This was the only Section 1983 claim pursued by plaintiffs under this claim and the jury returned a verdict against

plaintiffs and in favor of all defendants on this claim.

2. **Second Claim for Relief against Defendants Cardenas, Longoria, Merino, and Davis pursuant to California Civil Code § 52.1.** Plaintiff Nino Campanella alleged a violation of Section 52.1. The jury returned a verdict against plaintiff Nino Campanella and in favor of all defendants on this claim. Plaintiff Lynette Campanella voluntarily dismissed her Section 52.1 claim before the claim was submitted to the jury.

3. **Third Claim for Relief against Defendants Cardenas, Longoria, Merino, and Davis for Assault and Battery under California state law.** Plaintiffs voluntarily dismissed this claim before submission to the jury.

4. **Fourth Claim for Relief against Defendants Cardenas, Longoria, Merino, and Davis for Intentional Infliction of Emotional Distress under California state law.** Plaintiffs voluntarily dismissed this claim before it was submitted to the jury.

5. **Fifth Claim for Relief against Defendants Cardenas, Longoria, Merino, and Davis for False Imprisonment under California state law.** Plaintiffs voluntarily dismissed this claim before it was submitted to the jury.

6. **Sixth Claim for Relief against Defendants Cardenas, Longoria, Merino, and Davis for Negligence under California state law.** Plaintiffs voluntarily dismissed this claim before it was submitted to the jury.

7. **Seventh Claim for Relief against Defendants Cardenas, Longoria, Merino, and Davis for Negligent Infliction of Emotional Distress under California state law.** Plaintiffs voluntarily dismissed this claim before it was submitted to the jury.

B. Case No. C 05-1945 First Amended Complaint for Violation of Civil Rights.

1. **First Claim for Relief against Defendants Oberlander, Longoria, Merino, and Davis pursuant to 42 U.S.C. §1983.** Plaintiffs Nino and Lynette Campanella alleged violations of their civil rights under the Fourth Amendment to be free from unreasonable search, unreasonable seizure (probable cause), and unreasonable seizure (excessive force). Plaintiffs' unreasonable search claim was submitted to the jury. The jury returned a verdict against plaintiffs and in favor of all

1 defendants on this claim. The Court entered a directed verdict on plaintiff Lynette Campanella's
2 unreasonable seizure (probable cause) claim on January 20, 2009, before the claim was submitted to
3 the jury. Plaintiff Nino Campanella's unreasonable seizure (probable cause) claim was submitted to
4 the jury and the jury returned a verdict against him on this claim and in favor of all defendants.
5 Plaintiff Lynette Campanella voluntarily dismissed her unreasonable seizure (excessive force) claim
6 before the matter was submitted to the jury. Plaintiff Nino Campanella voluntarily dismissed
7 defendant Longoria from his unreasonable seizure (excessive force) claim before the matter was
8 submitted to the jury. Plaintiff Nino Campanella's unreasonable seizure (excessive force) claim, as
9 to the remaining defendants, was submitted to the jury which returned a verdict against him on this
10 claim and in favor of all defendants.

11 **2. Second Claim for Relief against Defendant County pursuant to 42 U.S.C. §1983.**

12 The Court dismissed this claim in an Order filed September 20, 2005.

13 **3. Third Claim for Relief against Defendants, Oberlander, Longoria, Merino, and**
14 **Davis pursuant to California Civil Code § 52.1.** Plaintiffs alleged a violation of Section 52.1.
15 The jury returned a verdict against plaintiffs and in favor of all defendants on this claim.

16 **4. Fourth Claim for Relief against Defendants Oberlander, Longoria, Merino, and**
17 **Davis for Assault and Battery under California state law.** Plaintiff Lynette Campanella
18 voluntarily dismissed this claim before it was submitted to the jury. Plaintiff Nino Campanella
19 voluntarily dismissed defendant Longoria before the matter was submitted to the jury. As to the
20 remaining defendants, plaintiff Nino Campanella's claim was submitted to the jury which returned a
21 verdict against him and in favor of all defendants.

22 **5. Fifth Claim for Relief against Defendants Oberlander, Longoria, Merino, and**
23 **Davis for Intentional Infliction of Emotional Distress under California state law.** Plaintiff
24 Lynette Campanella voluntarily dismissed this claim before it was submitted to the jury. Plaintiff
25 Nino Campanella's claim was submitted to the jury which returned a verdict against him and in
26 favor of all defendants.

27 **6. Sixth Claim for Relief against Defendants Oberlander, Longoria, Merino, and**
28 **Davis for False Imprisonment under California state law.** Plaintiff Lynette Campanella

1 voluntarily dismissed this claim before the matter was submitted to the jury. Plaintiff Nino
2 Campanella's claim was submitted to the jury which returned a verdict against him and in favor of
3 all defendants.

4 **7. Seventh Claim for Relief against Defendants Oberlander, Longoria, Merino,**
5 **and Davis for Negligence under California state law.** Plaintiffs claims were submitted to the jury
6 which returned a verdict against both Plaintiffs and in favor of Defendants.

7 **8. Eighth Claim for Relief against Defendants Oberlander, Longoria, Merino, and**
8 **Davis for Negligent Infliction of Emotional Distress under California state law.** Plaintiffs
9 voluntarily dismissed this claim before it was submitted to the jury.

10 IT IS SO ORDERED.

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12 Dated: January 28, 2009



RICHARD SEEBORG
United States Magistrate Judge